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The GW
Advocate

Vol. 14, No. 16 Friday, April 13, 1984

Night School

Trustees to Study Night School

by Ann P. Morton

Glen A. Wilkinson, chair of the Board of Trustees of George Washington University, has appointed a trustee committee which will study the issues involved in the proposal to phase out the evening division J.D. program at the National Law Center. The committee members are Wilkinson, committee chairman, Harold F. Baker, Everett H. Bellows, Vincent C. Burke, Jr. and Thaddeus A. Lindner.

The appointment of this committee is the result of the board's action on a motion, offered from the floor at the March 15 trustee's meeting, "that the chair appoint a committee to study this problem and that the committee report back to the board as promptly as possible."

Through the operation of this committee, the board is attempting to meet the principal objection to the proposal to phase out the evening division — that a decision was being made too quickly and that concerned members of the NLC committee were being denied an adequate opportunity to respond to the crucial issues involved.

Wilkinson was in favor of the faculty recommendation to phase out the evening division prior to the Board's appointment

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Alum Resistance to Proposal Grows

by Christopher Stock

Alumni opposition to the proposal to eliminate the evening JD program at the NLC is strong and appears to be growing, according to Ken Woolcott, SBA night vice-president, who has been working with several alumni on the issue.

For the first time since the controversy emerged in January, Woolcott said, the opposition has adequate funding. Several firms in the D.C. area have put up money to finance the opposition campaign, he said. Although he would not say how much money they had, Woolcott said it was "substantial."

In the past, opponents of the proposal relied mainly on their own money to cover duplicating and other costs. The SBA also contributed several hundred dollars for duplicating copies of the original draft proposal from the Committee on the 80s and the student response, "Innovation, not Imitation."

The opposition will use its funding to appeal directly to the law school's alumni to put pressure on the trustees to kill the proposal, Woolcott said. They have been trying, he said, to obtain an alumni mailing list from the university. But have thus far been unsuccessful, he said.

On March 23, Federal District Court

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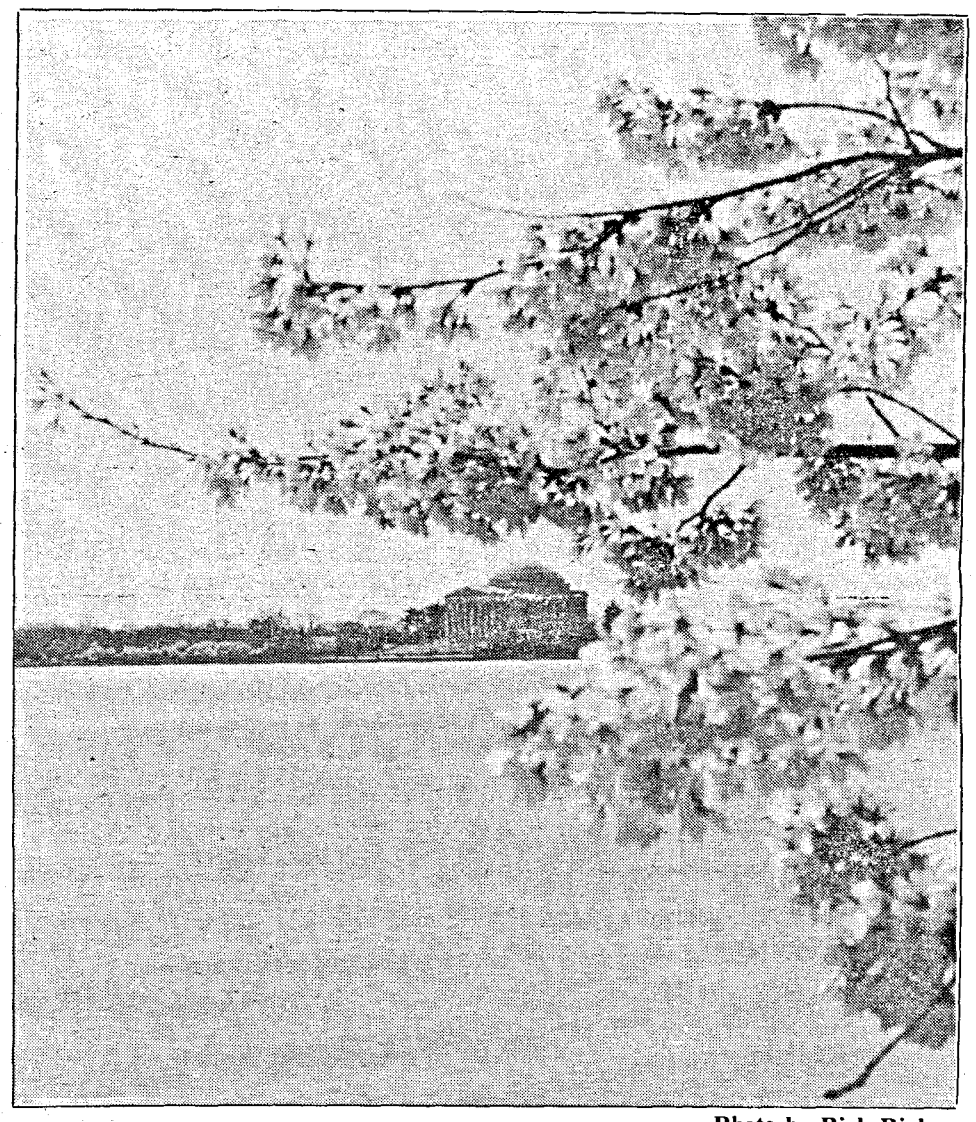
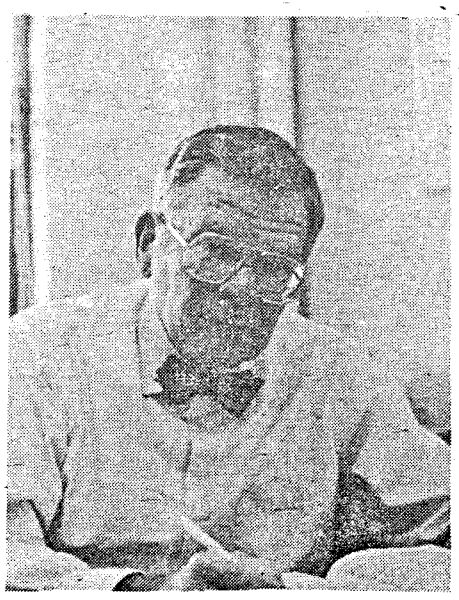


Photo by Rick Ripley

Mr. Dean Green



Prof. Harold Green was named Associate Dean of Graduate Studies at the NLC by the faculty last week.

GWU Built on Land Holdings

by Michael Goldsmith and James Lochner

According to a May 3, 1980 article written by GW Journalism students Judy Fox and Donna Fern for *The Washington Post*, George Washington University, originally named Columbian College, had no endowment when granted its charter in 1821. Dealing in real estate was critical for the financial stability of the fledgling university.

Founded by Luther Rice, a Baptist minister, GW's original location was College Hill, north of Florida Ave. N.W. between 14th and 15th streets. The school was non-sectarian by charter, but the Baptist Church retained some control until the mid-1800's, saving the school from bankruptcy on several occasions.

After the Civil War, the college was again bankrupt. The property was sold, and the school relocated downtown at H St. N.W. between 13th and 14th streets. By 1910 the university was in its deepest financial trouble. The sale of College Hill and all the university's other assets did not cover the cost of the land and construction on H St. Most of the buildings on H St. were sold. Wilner's clothing store (the Landmark Building) and the Colonial Parking Garage are the only properties still owned by GW in old downtown.

Cloyd Heck Marvin, GW's 12th president, found a permanent location in the Foggy Bottom area. By 1912, the university's greatest expansion began. The struggling school couldn't afford to build any new structures until the mid-1920's, but in the next 35 years 11 new buildings were put up.

Charles E. Diehl, GW vice president and treasurer said the university goal is to purchase all its designated campus, between Pennsylvania Ave. and 19th St. and F and 24th Streets. "We don't want to be like the University of Rochester," who was forced out with no place to go and ended up in the boondocks," said Diehl.

Problems with the local residents date back to the purchase of the All State Hotel, which was located at 514 19th St. NW in 1967. The university was interested in the cooperative since the late 50's. When GW finally secured 51 percent of the shares, the residents, many of whom were retired women, were evicted. The acquisition took place before Diehl came to GW but he said that the project was approved by the community to turn the rooming house into a dorm. Only one of GW's seven dormitories, Strong Hall, was built by the university. The rest were privately owned apartment buildings bought by GW.

More recently, GW attempted to block the conversion of a clothing store owned by Dave Margolis into a restaurant. After several years of conflict and delay, during which Margolis was forced to sell two townhouses on the 2100 block of G St. to

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Construction Update

by H. Glenn Rosenkrantz

Construction at the National Law Center is now scheduled to be completed by August 20th, one week before classes begin for the fall 1984 semester, according to Associate Dean Edward Potts.

"We plan to be fully operational by the fall," said Potts.

Highlights of the newly renovated Stockton Hall will include two large student lounges on the ground floor, according to Potts. The third floor of Stockton Hall will boast a Media Center, which will house a collection of audio-visual equipment for the law school.

Potts indicated that television monitors will be installed in all classrooms and lecture halls by the fall. Brackets for these monitors are already in place in classrooms in Lerner Hall.

Scheduled to be completed by May 10th is a reading and study room which will extend throughout the second level of the National Law Center complex, according to Potts. The reading room will cover the second floors of Lerner Hall, Stockton and the law library.

In addition, the third floor of the library will house a student lounge, a series of student activity and conference rooms, and a vending machine area.

Potts also pointed out that the opening of stairwells in Stockton Hall, coupled with the fact that the three buildings of the NLC complex will be interconnected, will alleviate the congestion now found on NLC stairwells between classes.

Security will also be updated at the NLC complex next fall, according to Potts. After evening class hours, registered students will be able to enter the NLC only by utilizing a magnetic identification card which will be distributed to students next fall.

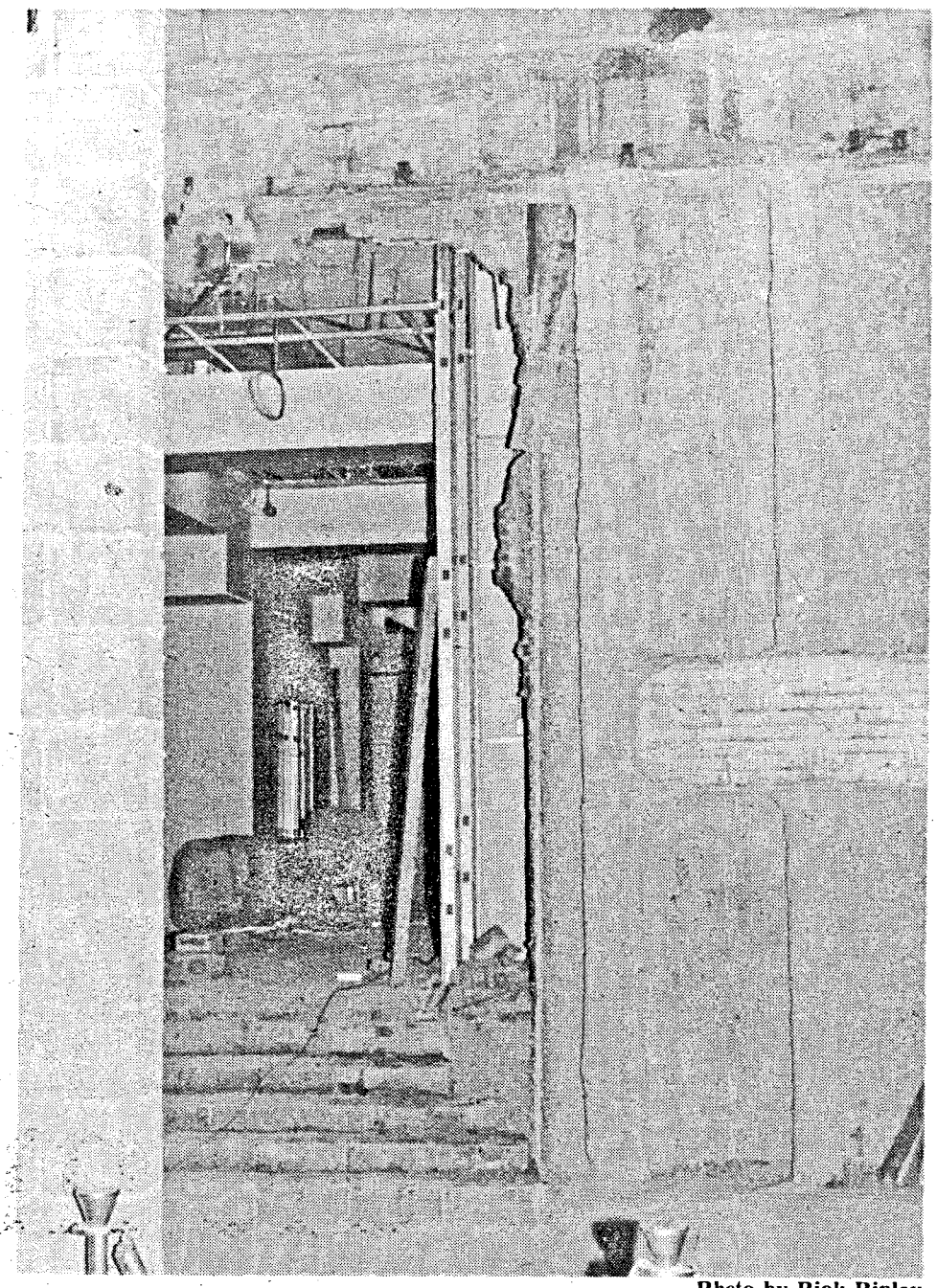

Photo by Rick Ripley

Old walls become new halls as the construction continues.

Carli Memorial Fund

Many people have expressed an interest in establishing a lasting memorial to Tony Carli, a third-year student at the National Law Center who died recently. A memorial fund has now been set up, the proceeds of which will be used to dedicate, in Tony's memory, plantings and landscaping on the law behind Stockton Hall. Donation cards can be picked up at the Dean's office, Law Review office and the SBA office. Other information concerning the fund is available by contacting Ellen Boesel, Sue Cohn, Jay Inwald, Lisa Karson, or John Sylvester at 676-6835 or John Watt at 676-7150.

Students who would like to make a contribution but are not financially able to do so at this time can pledge to make payments over a period of several years.

A memorial mass for Tony will be conducted at 5 p.m., Thursday, April 26th at a location to be announced. During the mass, those in attendance will have an opportunity to share their personal remembrances of Tony.

Belva Lockwood Day

A Look at the Political Scene

by Julie Riley

Celebrating the centennial of the presidential campaign of the National Law Center's first female graduate, the Law Association for Women (LAW) held its annual "Belva Lockwood Day" on March 13th. For the event, LAW sold commemorative buttons to benefit the battered wive's shelter located downtown and sponsored a panel discussion with reknown women leaders, followed by refreshments and music.

The panelists were Judy Goldsmith, president of The National Organization for Women; Rosalie Whelan of The National Women's Education Fund, and Stephanie Solein, director of the Women's Campaign Fund.

Though an entire month has gone by and final exam panic has begun, the message of the evening speaks again and again as the present presidential race progresses. Each woman, well respected in her field, addressed the audience from a different political perspective, different societal values, and from different experiences, but the message was common to all three: women must participate in the political process if true equality between the sexes is to be recognized under the law and within our social institutions.

Contrary to images of past "bra burners" or "men haters," these women are educated, responsible spokespersons, concerned with the rights of men and women as they are meant to exist under the constitution and within our culture. They are calling for changes to be made through the established political process.

Their message was clear: when 87 percent of all state legislators are lawyers, who better to champion this new movement for equal justice than up-and-coming attorneys, particularly women attorneys. And what better day to make the appeal! Belva Lockwood, more than 100 years ago in the face of massive opposition attended our law school, received her diploma, participated in local politics, and ran for the presidency of the United States, before women were even allowed to vote.

News Analysis

The NWEF conducted extensive research on the effectiveness of female candidates, and discovered a voting pattern due to male-female stereo types. Whelan reported that across the nation in *local* politics, women were regarded as more trustworthy, honest and sincerely concerned with community issues. This general perception of the public, lends itself to strong local support networks, which has resulted in many women being elected onto the scchool board and city council, according to Whelan. On the other hand, on the state and national level, men are though to be more competent to deal with issues of national importance, such as the defense and fiscal policies. The key, according to Whelan is to work within the system to change it. While the advantage is there, young women should get involved in local politics and build a grassroots campaign, eventually gaining viability on the state and local level, she said.

The opportunity is ripe. More women are running for office in '84 than ever before, according to polls by the Women's Campaign Fund. There are presently two women in the Senate, and 22 in the House, two of whom are black. Solein, director of WCF, says it's a hopeful figure compared to past percentages, however, it's wholly unsatisfactory considering that women comprise more than half the population. More women are voting now, and this increase has been given a good deal of attention by the presidential candidates, said Solein. Women voted quite differently than men in '82, particularly on economic, social welfare, education and military spending issues. With women taking a distinctly liberal stance generally, opposed to their more conservative male counterparts, the democratic primary hopefuls have realized what this trend may mean for them in terms of toppling the Republican administration, Solein reported.

More women voting and running for office, means women's issues, or rather issues for equal justice, will take on a new significance in the political arena. So much so, that Goldsmith claims that this is the last election aimed for the vice presidency. If Belva could run in '84, it's time to go for it again in '88.

Outlining the major issues for "Ladies in the 80's", Goldsmith said that the ERA campaign taught women what they needed to know to participate seriously in the political process. The largest obstacle, she said, is not an intent to discriminate, but more constitutionally evasive, an inherent insensitivity to women's rights by men in office. This insensitivity is not malign or deliberate, but a product of socialization and assimilation of the prevailing traditional values. Unless the Supreme Court overrules recent decisions like that held in *Grove City College v. Bell*, the injurious vestiges of a male dominated society will remain. To limit the scope of Title IX to individual departments receiving federal aid instead of the entire school, is to perpetrate an "outrage of mammoth proportion," according to Goldsmith. Certainly, university officials will not jump for joy at the opportunity to discriminate against women. However, Goldsmith warns, when the fiscal crunch is on, programs adopted under Title IX will be the first to go. This movement unfortunately has already begun with Maryland University dropping a Title IX sports program immediately after the decision was handed down.

It is because of this lack of constitutional protection against discriminatory impact, no matter how innocently it has arisen, that ERA must be ratified. "Women must be recognized in the fundamental law of the land." Wihout it, under the present cost-benefit analysis, women are not considered worth the cost. For example,

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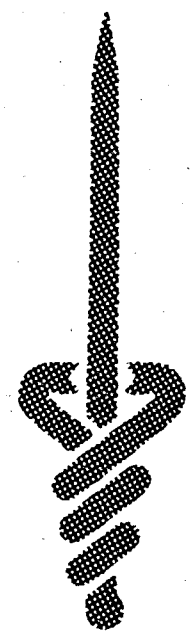


We are winning.

The Cooley Award

by Janet Cook

The NLC class of 1984 will soon be asked to select the 1984 recipient of the Michael D. Cooley Memorial Award. The award is named for Mike Cooley, a member of the NLC Class of 1981, who was killed in May 1980 on a Washington street in an unprovoked assault. Mike was a truly remarkable person who touched positively the lives of an unusually broad range of people in all of his many spheres of interest.

The Cooley Award was established by Mike's friends to honor Mike and to recognize in others the qualities that Mike exemplified. The Award is purely honorary. The Cooley Award Committee determined that the emphasis in this prize should be on spiritual rather than tangible value.

Prior recipients of the award include: Ed Byrne, 1981; Mike Ginsberg, 1982; and Brad Shaps, 1983.

SBA representatives will distribute selection ballots in as many as possible of the predominantly third-year classes. Ballots will also be available in the SBA office, Room 103 Stewart Hall during the week of April 16; or members of the class of 1984 may use the sample ballot printed here.

Each third year student is asked to vote only once. When voting, please include your student number on the ballot. These numbers will be used only to avoid duplication and ballots without students numbers will not be counted. The person with the greatest number of votes will be the recipient of the award.

A sample ballot appears with this article. If you are a member of the class of 1984, please begin to consider who among your classmates most deserves this award. If you are a member of the classes of 1985 or 1986, remember that you, too, will be asked to make this selection shortly before your graduation. It is not too soon to start seeking the fullest potential in yourself and your classmates.

In addition to the Cooley Award, Mike's friends sponsor a fund-raising drive to establish a permanent memorial to Mike in the new Law Center. The Fund Committee would welcome pledges from any students, alumni, or friends of the Law Center. Information is available from Professors Ralph Nash or John Cibinic; or Attorney Janet Cook at 274-6162, days, or 569-3194, evenings and weekends.

The Committee has set a fund-raising goal of $25,000 in order to finance a seminar room in the new law building. The room will bear Mike's name and be a permanent reminder of his positive impact on GW and the National Law Center.

Sample Ballot

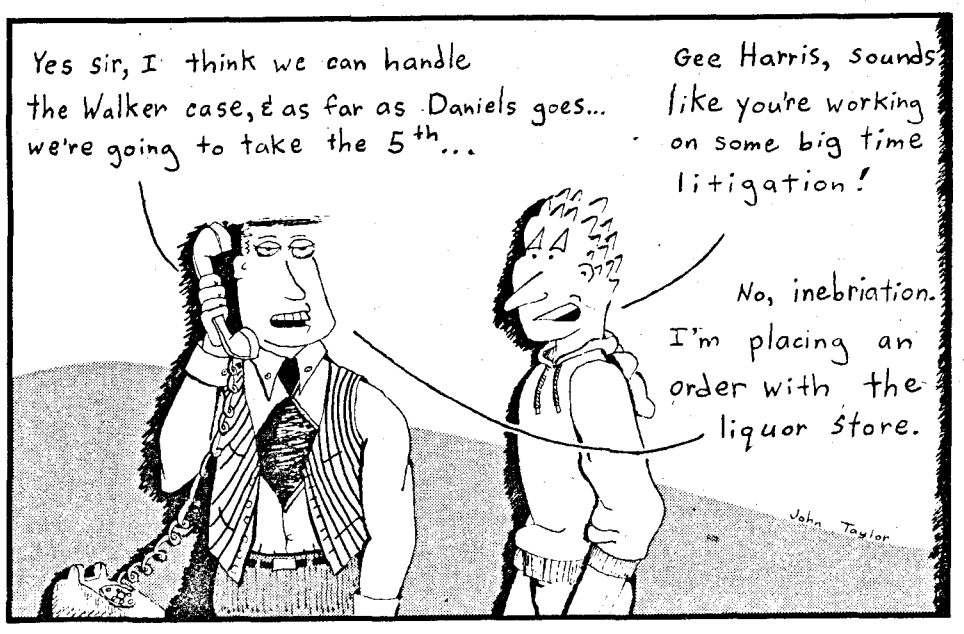
Michael D. Cooley was a member of the National Law Center Class of 1981. Mike was a truly remarkable person who touched positively the lives of an unusually broad range of people in all of his many spheres of interest. After Mike was killed in a senseless assault in May 1980, his friends established a memorial award in his name to honor his rare qualities and to encourage others to follow his example. The Michael D. Cooley Award was first presented at NLC Commencement in May of 1981. The Cooley Award is the only prize given by the graduating class to one of its own members. The text of the award, as printed in the Commencement program reads as follows:

"Michael Dillon Cooley Memorial Award to that member of the graduating class of the National Law Center who has shared most generously of his or her time, compassion and vitality to aid the intellectual and spiritual growth of fellow students. In order to memoralize the qualities that were admired in Mike, and to encourage their development in others, his friends in the Class of 1981 prepared a summary of his personal characteristics to serve as criteria for the selection of each year's recipient. The following questions were composed from that summary. We ask you to consider who among your colleagues in the Class of 1984 most nearly fits this description:

Who is living the best considered life?

Who has the zest for living that encompasses a caring compassion and understanding for others with an uncompromising pursuit of excellence for oneself?

Who has the generous orientation toward others that naturally leads to effective contribution of time and effort to the school community and a positive impact on the class as individuals and as a whole? My choice for the recipient of the Cooley Award is: _____



From the Library

Amnesty

Monday, April 23 through Sunday, April 28
RETURN YOUR OVERDUE BOOKS THIS WEEK AND AVOID PAYING FINES!

To facilitate the smooth movement of our collection in mid-May, the law library staff encourages students, faculty and staff to return all library materials to the library as soon as possible. During the last week of spring semester classes, April 23 through April 28, the library will accept overdue books *with no questions asked.* Please drop off these materials at the third floor circulation desk, and go into exams, graduation and vacation with a clean library record!

VendaCards

To alleviate the chronic shortage of change for photocopiers, the Law Library has purchased the "VendaCard" system which will be connected to the new photocopiers. students may purchase a plastic VendaCard which is much like a credit card that will be encoded with the dollar amount of the student's choice. The card will cost 50 cents and may be encoded over and over again. Students will simply insert the card into machine receptacles and proceed to copy. The "VendaCard" will be debited for the cost of copies. VendaCard is currently being used by Georgetown's Law Library where it has been well received by both students and that library's staff.

Until the entire system is in operation (sometime in late April), VendaCards will be available in Room 505 of the Burns Library at the following times: Monday through Friday: 9:00 a.m.-12:00 Noon, and 2:00 p.m.-4:00 p.m. A valid student ID is required, and we ask for payment by check.

Library Construction

The construction of the new law library is expected to be completed by the end of April. After exams are finished, the massive task of moving 4.7 miles of books and all staff offices, library equipment, etc. will begin. To facilitate these moves, the law library will be closed to the public from Friday, May 11, 6 p.m. until Monday, May 21, 9 a.m.

To permit out-of-town visiting family members and friends of the graduating classes to take a look at the new premises, the doors will be opened on Sunday, May 20, between 11 a.m. and 1 p.m. for touring. It will, however, not be open for study or research, because the moves will still be in process.

New Photocopiers

In March, the Law Library will begin a complete modernization of its photocopy facilities. Last fall, the Library ordered eight new Xerox 1045 machines to replace existing machines. The Xerox 1045, introduced this year by the Xerox Corporation, represents the latest in photocopy technology. We hope that, in addition to improving copy quality, the new machines will greatly reduce down time due to equipment failure. The Library had originally planned to begin installation of the new machines in January, concurrently with the opening of the South Burns building. But orders for the Xerox 1045's apparently far exceeded Xerox sales projections, and the new machines have just started to arrive.

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A Taste of Justice

by Christopher Stock

Criminal law is a standardized experience for law students. We are quickly taught to manipulate phrases like "beyond a reasonable doubt," and "mens rea." We get exposed to a little procedure, read all the "big" opinions, take a test and move on to the next course. It is all very conceptual. It's all very clean. No steel doors slamming shut. No confinement, no pain, no loss. All concept. The problem with that approach is that law students never even learn the number one basic lesson about the criminal justice system — that anyone who gets caught up in it loses— that guilt and innocence are only relevant for determining the degree of loss imposed.

A close friend of mine, my college roommate of four years at the University of Wisconsin, recently had the opportunity to learn that lesson firsthand. His story offers an insight into that portion of the justice system that you just can't divine out of an appellate opinion.

Rob's (not his real name) encounter with justice began late last summer, about two weeks after I ran into him in Milwaukee.

He was awakened one August morning by a rap on the door of the house he shared with three other students at the University of Wisconsin-Milwaukee. It was the police.

They wanted to talk to Rob. They wanted to see "ID." Where had he been last night? What was he doing? Who was he with? Where was his bicycle?

His bicycle, he asked? Yes, they wanted to see it. He led them to the front foyer of the house. That was where he kept his bike. It wasn't there. He told them he left it there last night after riding it home from work. No, it wasn't chained up. No, the front door probably wasn't locked. He told them that someone must have taken it.

The police then told him that the bicycle had been found at the scene of an attempted sexual assault and a double stabbing.

They asked him again, where was he last night? He told them he came home from work late, ate dinner, and retired to his room. Had anyone seen him last night? No, he said, none of his roommates were around before he went to bed.

On the noon news there was a brief description of the events that transpired the prior evening. At about one o'clock in the morning a woman was attacked by a man wearing a ski mask. He was armed with a knife. He treatened to kill her if she screamed. She screamed anyway, attracting the attention of two men who were nearby sitting on the porch of their house, enjoying the cool breeze blowing off Lake Michigan.

They pulled him off her. He fled, jumping on a bicycle to make a getaway. About one half block away, the assailant was knocked off the bicycle, and wrestled to the ground. They pulled off his mask. He came up with a knife, stabbing one man in the abdomen, and slashing the other on the hands. He then ran off leaving the bicycle behind. The man stabbed in the abdomen nearly died. The incident took place less than a block from Rob's house.

The police traced the bicycle through its Oshkosh, Wisconsin license plates to Rob's girlfriend. When questioned early the morning after the incident, she had told the police that Rob had been using her bicycle.

Later in the day, a police photographer came over to his house and took photos of him and his roommates. He was starting to get nervous. Why did they want their pictures, he asked? For a photo lineup, the police said. He didn't know exactly what that was, but he said he wanted to comply fully with whatever the police wanted him to do. He had nothing to hide, he said. None of the injured parties was able to make an identification from the photo lineup.

That evening Rob was taken in for questioning. He said he didn't want a lawyer. He was placed in a police lineup (although none of his roommates was likewise included). One of the victims identified him. The police told him that a positive identification had been made. He said he thought that was crazy, and wanted to know what he could do to straighten things out. The police suggested that he volunteer to take a lie detector test. Lie detector tests are not admissible as evidence in Wisconsin, but are often used by Milwaukee police in their investigations.

After the test was over, the police told him that he didn't do so well. They read him his Miranda rights. He couldn't believe what was happening. Did he still want to cooperate, the police asked? How about a confession?

At that point, Rob realized that cooperating with the police to clear up the misunderstanding just wasn't going to work. He needed help.

He got in contact with his father who was in Chicago on business. By then it was well past midnight. His father would come up to Milwaukee in the morning. Rob spent the night in jail. He didn't sleep.

The next morning, after his father arrived with an attorney, Rob was released on his own recognizance. The case was turned over to a Milwaukee District Attorney for prosecution.

A few days later, the DA called Rob into his office. The DA said that the evidence wasn't sufficient to bring charges against him. He was free to go.

Three months passed. Rob got a phone call from the Milwaukee DA's office. Another DA, a young guy, was picking up the case for possible prosecution. He wanted to interview Rob. By this time, school had begun. Rob took the next day off from classes and went downtown to talk to the DA.

A few days later, the Milwaukee police came and arrested Rob, taking him right out of one of his classes at UW-M. He was led away in handcuffs.

For the first time, that evening Rob made headlines in the Milwaukee papers. "Eastside student arrested in stabbing" or something like that.

He was released on a signature bond. His father put down a $5000 retainer for an attorney.

That was in mid-November. I saw Rob at Christmas. He seemed in good spirits for someone charged with three felonies (armed and masked false imprisonment, injury by conduct regardless of life, and endangering safety by conduct regardless of life), and facing a possible 17 years in prison and $30,000 in fines.

He said he somehow felt detached from everything that was going on, as if he were watching a movie. He told me he really couldn't believe what was happening to him. His bike gets stolen and the next thing he knows he is being charged with three felonies. He attempted a little humor: the moral of this story, he said, is don't sleep alone.

He told me he was seriously thinking about dropping out of school. Somehow he just couldn't concentrate on his studies with a jail term hanging over his head.

How were his friends and family taking it? He said they were all firmly behind him—but it was tough on them. His family

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HOFSTRA LAW SCHOOL

SUMMER SESSIONS 1984

SUMMER SESSION 1
May 21 to July 2

COURSES	CREDITS
Child, Family & State	3
Commercial Paper	3
Conflict of Laws	3
Criminal Procedure	4
Debtor-Creditor	3
Evidence	4
Family Law	3
Law and Medicine	3
Remedies	3
Secured Transactions	3
Unfair Trade Practices	3

SUMMER SESSION 2
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Labor Law	3
Law and Public Education	3
Real Estate Transactions	4
Wills, Trusts and Estates	4

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Out of The Main

Media Take Delight

by Jack Williams

Well, the semester is drawing to a close and from the perspective of the news, it has been an interesting four months.

The major crisis that faced the NLC student body when we returned from winter break was not the removal of our lockers, nor the fact that we had to do without coffee for awhile. The major crisis was the Committee on the '80's recommendation to end the night school JD program.

With the speed and precision unseen in the annals of the NLC, the student body organized against the proposal arguing that the night school was an integral part of the law school. This student opposition was one of the principle reasons the committee re-drafted their original proposal.

When the proposal was voted on by the NLC faculty, who can forget Professor Siedelson's speech against eliminating the night school JD program? We lost. But we didn't give up. For the record, the final vote was 21-18.

*****

Throughout the debate, both day and evening alumni spoke out against the proposal. Letters were written to the *Washington Post, The Advocate,* and the NLC administration. The alumni were instrumental in getting the Board of Trustees to table the night school proposal for now.

What bothered me the most about the whole affair was not necessarily the merits of the proposal, for although I was against eliminating the night school that was no reason not to discuss the proposal, but the procedure by which those merits were considered. The proposal was controversial. It had reason to be. Eliminating the night school is a fundamental change at the NLC. Not surprisingly, the committee had wanted to speed up the procedure because committee members felt, and rightly so, that months of discussion would unnecessarily divide the faculty, administration and student body. This may be so, but it was no reason to throttle the debate on such a key issue. Debate and discourse is needed and contrary to the popular view, a good thing.

*****

This semester saw the opening of Lerner Hall. And it was good.

*****

The Credit-No-Credit (C-NC) option has also received some attention this year. There was talk of removing the entire option. Then, there were suggestions of limiting the number of hours a student should take C-NC. Finally, the faculty has agreed on a proposal which would limit the amount of time a student would have before he must declare a course C-NC. Although a compromise has been reached, the controversy will be around again next year to greet those of us who will be returning.

*****

The Enrichment Program was another success this semester. Hats off to Prof. Schwartz who runs the program herself for putting together an interesting group of diverse speakers and for adding a different dimension to our legal education.

*****

How about those VendaCards? They have become a necessity now that the coin-operated machines are broken. Yet another piece of plastic to keep my George Washington University ID company.

*****

The Advocate staff wishes you all a relaxing summer. Take it easy!

Where's the Due Process?

Since the last issue of the Advocate the university's Board of Trustees voted 17 to 7 to table the proposal to eliminate the evening JD program at the NLC. Great alumni and student pressure forced the board to acknowledge the lack of due process found in the law school's and university's handling of the proposal and to offer the process required. The board tabled the proposal and called for a committee to independently review the night school issue.

Unfortunately, the proponents of the proposal still seem to be more concerned with winning than with giving the issue a fair hearing. Glen Wilkinson, chair of the committee and supporter of the proposal, has selected a committee which, including himself, stands four to one in favor of eliminating the night school. The administration is hedging requests by alumni opposed to the proposal for access to the university's alumni mailing lists. The administration has even refused to allow the Law Association, the NLC's own alumni group, to mail letters for 1984 evening division applicants extending assurances that the evening division will exist at least until they graduate in 1988. Instead, Assistant Dean Robert Stanek sent an equivocal affirmance of the evening division's continued existence. (See letter below) No proposal will have to be considered if applicants don't accept their offers.

We urge the committee of Trustees headed by Wilkinson to recognize its mandate to give the night school question a fair hearing before reaching its conclusion on the issue. If not, that committee will become no better than the NLC's Committee on the 80's: armed with a conclusion, in search of an acceptable rationale. And we urge the proponents of the proposal to back off a little. If your proposal can't stand on its own merits, maybe it doesn't deserve to stand at all.

THE
GEORGE
WASHINGTON
UNIVERSITY

Washington, D.C. 20052 / The National Law Center

March 21, 1984

Dear

The Board of Trustees of The George Washington University is presently considering the recommendation of the law school faculty that the evening program be gradually phased out. If adopted, those students who begin their studies in this fall's evening class would be the last class accepted to earn the Juris Doctor degree in that division.

Whatever the decision of the Board of Trustees, the law school will continue to provide an evening Juris Doctor program for the next four school years Applicants considering our offer of admission should be aware that some future adjustments in the course offerings during this period may be made. For example, required courses could not be offered more than once in the evening for the entering class. Of course, any student who wishes to take a course during the day would be permitted to do so, and, after the first year, we will freely permit transfer to the day division for any student working 20 hours per week or less. The law school will continue to be as flexible as we reasonably can be in an effort to meet the needs of all of our students.

I realize that this action may affect your choice of law schools and your consideration of the program at The National Law Center. However, I do wish to stress that the program will continue until this year's entering class is able to graduate. If you have any questions or concerns with which I may help, please feel free to call me at (202) 676-7230 or to visit my office to discuss this matter in greater detail.

Sincerely,

Robert V. Stanek
Assistant Dean

"My you certainly are a fertile octogenarian!!"

PAD Plans Full Slate

by Eric Hutson, PAD

While the semester is quickly rolling to a halt, third year students are cracking their books for the first time, and the construction continues to drag on, the John Jay Chapter of Phi Alpha Delta still has several interesting activities scheduled for the NLC's students and faculty.

The spring semester has been an extremely busy one for PAD. It began with a Moot Court Strategy Session presented by members of the NLC's National Moot Court teams. Along with two professors, they gave tips on brief writing and appellate advocacy to first-year students.

The second activity this semester was PAD's annual Silent Auction. Professors, local businesses, alumni and students donated dozens of items to be bid upon. In what is becoming an NLC tradition, Professor Robinson's famous "art illustrations" of famous cases from criminal law and Professor Max Pock's dinner for two at Dominiques were extremely popular items. Food and drinks were served and everyone had a great time, taking home lots of "goodies."

The traditional PAD Congressional-Judicial Reception was held on Capitol Hill on March 14. Senators, congressmen, judges and attorneys were in attendance, as well as students from area law school PAD chapters. Immediately prior to the Reception, Jay Chapter held its 3rd initiation of the year in Rayburn House Office Building.

Many exciting events are yet to come. The Police Ride-Along program (starting the week of April 9-13) enables students to spend an evening riding with D.C. police officers on their regular "beat." The program provides a great chance for future lawyers to see another side of the legal system and observe the police in action. All interested students are encouraged to participate and can sign up anytime. The program will continue through the last week of classes and then from May 10-18 after finals.

On April 11, PAD is sponsoring a debate entitled "The Future of Superfund." Two industry representatives will argue with two environmentalists on the merits of the reauthorization of EPA's Superfund Program.

The spring "Inns of Court" program will be held on Friday April 13 at 8:00 p.m. in the new Moot Court Room in Lerner Hall. Inns of Court is the brainchild of PAD Jay Chapter member Chief Justice Warren Burger. It features a presentation by

go to 10

The Advocate Vol. 14, No. 16

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High Court Should Nip Anti-Press Libel Trend

by Richard Ripley

Under the thrust of William Rehnquist's thumb, a unanimous Supreme Court last month stuck another thorn into the flanks of the press; one which may prove to be the most costly to journalists yet.

In *Calder v. Jones*, the Court, in cursory style, rejected any First Amendment protections for the press concerning the jurisdictional analysis of libel suits. Such considerations, the scant two-page opinion stated, "would needlessly complicate an already imprecise theory." This Court's perennial moans and groans about the complexity or volume of its workload is tolerable for the most part, but not when it is used to summarily snuff out a legitimate and important claim such as this.

The Court's holding, conceivably subjecting any publication — or broadcast for that matter — to any forum in which it circulates, is particularly bothersome, considering the disregard for the generally acknowledged standard requiring greater "contacts" in cases involving such First Amendment rights. But what is frightening is the fodder the opinion provides to the wildfire trend of libel litigation. A couple of examples:

The *Alton Telegraph* settled out of court last year for $1.4 million after losing a $9.2 million judgment to a local businessman who claimed he was libeled — not by a published article, but by allegations in a reporter's memo.

A school board member of a New England town stated publicly that his system had a high level of teacher absenteeism which was slowing down classroom instruction. The editor of the high school newspaper did some research and reported that not only were this member's statistics somewhat exaggerated but that the member had an absentee problem himself, missing something like 23 out of the last 30 board meetings. That student now faces a several thousand dollar lawsuit, and will probably spend thousands more defending this seemingly frivolous claim.

What these situations exemplify is the burgeoning number of "libel" claims facing the press today and the public's zealousness to hand down staggering judgments. The result, notwithstanding the Supreme Court's statements to the contrary, is a chilling effect on newsgathering and editorial judgment.

"Wouldn't you be gun-shy if you nearly lost your home?" says Editor Stephen Cousley, explaining the *Telegraph*'s decrease in investigative reporting. The tendency to play it safe is spreading; responsible but "hot" stories are ending up more frequently on the composing room floor instead of in print. Reporters are told to stay away from organizations with litigious reputations. Even at *The Advocate*, a practically judgment proof publication, items which stray from the tame and into the controversial are often received with a wince and a less than hardy welcome.

The most logical and perhaps only remaining answer to this implicit "restraint" on the press lies within the First Amendment. Other forms of protection have proven ineffective. Libel insurance usually only cover settlements, not litigation, and many companies will not insure newspapers doing any kind of "risky" investigative reporting. The standard enuniciated in *Sullivan* 20 years ago has been steadily revised and tempered; in many instances it is overlooked by juries in their deliberations despite the court's instruction.

The First Amendment guarantees a free press. It says nothing about fairness; rather it is assumed that the press will act responsibly. But even in the light of irresponsibility, the press must still be protected from any restraints upon a full exercise of the First Amendment; this includes libel.

Columnist Tom Wicker writes, "Error... can sometimes be a vital or unavoidable consequence of the search for truth, and error must therefore be tolerated, or at least not punished by law, lest there be no search for truth." I am not advocating the ACLU policy that regards the "existence of the right of action for defamation to be violative of the First Amendment" in all cases involving public figures or issues. I do believe, however, that the First Amendment requires the courts to examine libel with a more cynical eye than has been the practice of late. The Supreme Court can begin with *Bose v. Consumer's Union*, which challenges independent review of jury judgements in libel cases. One saving grace from the increasingly exorbitant judgments has been the opportunity for appellate review of the damages. In fact, while media defendants lose 90 percent of the time at the jury level, they prevail 75 percent of the time on appeal, according to the Libel Defense Resource Center. This type of review, although perhaps a bit dilatory, functions as a valuable safeguard for the press. To eliminate it or restrict its use would neutralize a legitimate safeguard against an increasing number of ridiculously excessive awards while serving no positive function whatsoever.

Other suggested measures to prevent the growing abuse of libel include a limitation of compensatory and elimination of punitive damages, the availability of countersuits to media defendants, the imposition of legal cost upon losing or dubiously motivated plaintiffs and even a forceful reassertion of *Sullivan* by the Supreme Court.

Whatever the measure, I hope it does not take a political change in the Court before this threat to the full exercise of the First Amendment is pruned and its brambles left somewhere besides the backsides of the press.

PAD: SBA Budget Unfair

To the Editor:

Last week, at the meeting of the officers and representatives of the Student Bar Association, the request for funding made by the John Jay Chapter of Phi Alpha Delta Law Fraternity International was rejected. Not one penny was provided for PAD despite the recommendation from the SBA's Budget Committee that over $950 be provided to PAD.

At this meeting, the SBA also passed a resolution establishing a committee to study the current student organizational budgeting process. This effort is laudable and PAD looks forward to taking an active part in this committee, but this action does not alter the fact that PAD was denied formal funding.

Since PAD was denied formal funding, the only way in which it can receive SBA funds is to make a program-by-program request (maximum of $100 per program) to the president of the SBA. While PAD appreciates the possible availability of these funds, they are no substitute for regular budgetary funds on a level par with other student organizations.

The primary reasons presented for denying PAD's funding request were that there exists an unwritten SBA "policy" against providing funds to law fraternities; that this particular meeting of the SBA officers and representatives was no place to make a change in that "policy"; that PAD is an exclusive organization since it has some functions for its members only; and that PAD collects dues from its members.

These reasons were brought forth for the first time at this meeting. They are based on misrepresentations and false perceptions. At no point in the SBA budgeting process was PAD given the opportunity to address these issues and correct any misunderstandings. Because no student organization was allowed to speak at the general meeting, at the very least, the SBA should have sent PAD's request back to the Budget Committee so that representatives from PAD could address these new issues. Instead, PAD was denied formal funding and is forced to seek alternative sources.

With more than 175 members and a full slate of professional and service activities, PAD is one of the largest and most active student organizations at the NLC. PAD's programs are designed to serve the law student, the law school and the legal profession. More than 80 percent of PAD's activities are designed specifically to benefit all students, whether members or not. If the word "fraternity" in our title bothers the SBA, it shouldn't. PAD is a professional organization composed of men and women working to further the highest ideals of the legal profession.

That we collect dues and provide some services which are limited only to our members should be no bar to our receiving SBA funds. The purpose of joining any organization is to be able to participate as a "member" of that organization. If everything that PAD did in the way of services was open to all students, no one would have an incentive to join, which would mean no more PAD to provide these services. The dues which are collected are meant only to offset the cost of those services which are of benefit to PAD members. SBA funds would be used to offset the costs of those services which are of benefit to all NLC students.

If an unwritten SBA "policy" exists against providing funds for law fraternities, few SBA members other than its proponent, were apparently aware of it until it was mentioned for the first time by an outgoing SBA representative at last week's meeting. The Budget Committee was definitely not aware of any such "policy" as they recommended that PAD receive more than $950 in SBA funds. To completely reject PAD's funding request based on a "policy" that is of such questionable validity is a flimsy excuse for a fair determination of the merit of PAD's request and a disservice to the students of the NLC.

PAD deserves SBA funding as much as any other student organization at the NLC. That it was denied this funding in such a way was an unfortunate use of the discretionary power of the SBA over student organizational funds.

The executive committee of the John Jay Chapter heartily endorses the SBA's resolution calling for a committee to study the budgeting process. We would also like to take the lead in calling for the drafting of procedural guidelines which would spell out the requirements a student organization must meet in order to qualify for SBA funds. These requirements should be provided to all NLC student organizations when they apply for SBA funds. In this way, a degree of objectivity can be inserted into what has become a rather arbitrary process.

Sincerely,
Executive Committee,
John Jay Chapter,
Phi Alpha Delta Law Fraternity
International

1984-85 SBA Budget Allocations

BLSA	$2,750
LA RAZA	1,550
ASIAN LAW STUDENTS ASSOCIATION	200
JEWISH LAW STUDENTS ASSOCIATION	500
LANAC	275
STUDENT HEALTH LAW ASSOCIATION	275
EQUAL JUSTICE FOUNDATION	600
NATIONAL LAWYERS GUILD	1,000
SIPLA	1,335
INTERNATIONAL LAW SOCIETY	1,780
MOOT COURT BOARD	2,400
FAIMS	280
SBA	7,366
TOTAL	22,261

Ms. Manners' Request

by Ginny Pierce, CDO

Not only was she not pleased, she was perplexed. On March 6, the Career Development Office sponsored a forum for first year students featuring second year students talking about how they got their summer jobs last year. There was a wine and cheese reception following. Twenty-five first year students were in attendance. This is quite typical of the poor turn out at CDO programs.

Ms. Manners, being the pensive type, queried: is it that students are not hearing about these programs? Or is it that they are not interested? Her ruminations along these two lines of questioning went like this:

Why is it, she mused, that news of anything like an illicit liaison or an administration snafu flies through the school like wildfire, while announcement of a CDO forum is greeted like a shout of "rain" to the hippos at the zoo: not much happens. Miss Manners probed further.

She assumed that law students could read. On further thought she realized that this widely held belief should be tempered by the caveat that law students are very discriminating about *what* they read. Clearly, posters making announcements are not included in the tasteful law student's required reading list. In defense of the students, Ms. Manners did make not of the fact that while the CDO makes some effort to design catchy posters, there is such a plethora of cardboard on the walls of our dear new buildings that it is quite impossible to effectively advertise anything.

The CDO often writes memos to faculty asking them to make announcements of programs in classes. Ms. Manners, with all due deference to the faculty, initially was rather cross that perhaps they were not always making the announcements. She soon realized that this occasional omission was not rudeness (which Ms. Manners cannot abide) but simply an extension of her hypothesis about law students and their reading habits; law professors are simply *more* discriminating about what they read.

Ms. Manners then went on to analyze the second line of thinking, lack of interest. Ms. Manners is an avid reader of *The Washington Post* and, of course, *The Advocate*. She recently learned from these publications that the study of law requires that one devote 24 hours a day of committed and concentrated study. It seems quite obvious that the serious law student would not have time for such a frivolous activity as learning about careers or in the extraneous pursuit of jobs. Ms. Manners wrinkled her brow as she thought; this clearly contradicted the constant talk about jobs heard around the NLC. Ms. Manners then decided that this was analogous to her experience at a fine young ladies boarding school where there was a great deal of chatter about the birds and the bees yet very little activity in that department. The young ladies knew deep down that nature would eventually take its course. Perhaps, law students know that eventually nature will take its course and they will magically get jobs in the field of their choosing Or, in the alternative, maybe they all have jobs and they just enjoy flipping through the books in the Career Development Office.

It is sad to look into the mournful eyes of a job seeking law student who shakes his or her head slowly and says that he or she has no contacts to help in the job hunt. It is even sadder to see the empty chairs at a CDO program and realize that the speakers are all well connected attorneys who are all willing to help students or they certainly would not waste their time coming to speak. These thoughts caused Ms. Manners to wipe a small tear from her eye.

Wrestling with the contradictions inherent in this dilemma, Ms. Manners took out her lace hanky and daintily dabbed her brow. She sighed. "Oh my," she gasped, maybe the students are not interested in the topics the CDO is presenting, maybe they would have liked other speakers, maybe they know a better way to advertise, maybe they would like the programs in different formats or at different times. Ms. Manners was now in her element; giving advice. With head led high (this one nearly had her foiled) she, with aplomb, promptly advised the CDO that they really ought to ask the students for suggestions on how to improve the CDO forums.

The Career Development Office hereby solicits suggestions and promises that each shall be duly and individually considered by Ms. Manners herself.

The editors of the Advocate would like to express their sincere thanks to all of you whom worked on the paper this year. We look forward to working with you again next fall.

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Judge McGowan Speaks

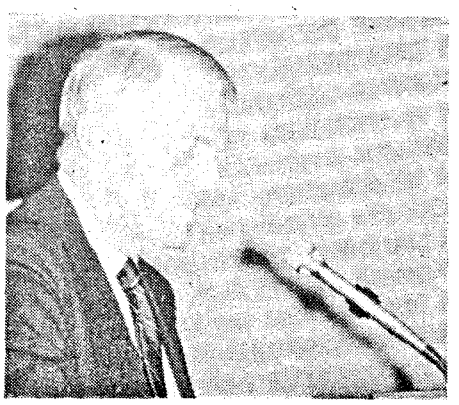
by Sharon Hallanan

"The Administrative Conference of the U.S. — Guardian and Guide of the Regulatory Process" was the topic presented by Judge Carl McGowan of the U.S. Court of Appeals for the District of Columbia. His lecture was the fourth annual lecture dedicated to the memory of Manuel F. Cohen.

McGowan said that the Conference was originally formed in 1954 by President Eisenhower on a temporary basis to study the fairness of procedures used by the various administrative agencies. The Kennedy Administration renewed the temporary Conference, but recognized the need for a permanent organization. In 1964, the Congress enacted legislation establishing the Conference on a permanent basis, although it was 1968 before it received funding.

The Conference has between 75 and 91 members, at least half of whom are members of the various agencies. The remaining Conference members are attorneys who regularly practice before the agencies. There are also two non-voting judicial liasions to the Conference, of which McGowan is one.

The Conference meets biannually to discuss procedural problems within the agencies and it makes formal recommendations on alleviation of those problems. These recommendations are then published in the Federal Register and sent to the agencies affected by them. McGowan said that the Conference's recommendations were important because they "provide concrete practical advice" and they are generally adopted. He discussed several of the areas recently discussed by the Conference, including (1) sovereign immunity of the agencies, (2)

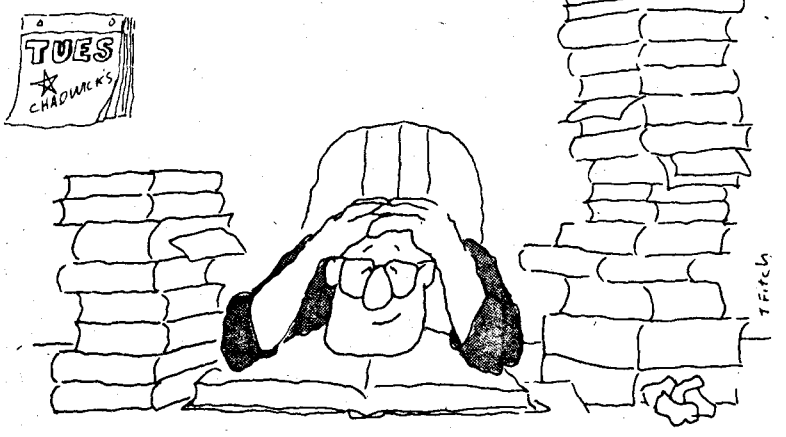


creation of a "People's Council" to represent the needs of poor people in agency decision-making, (3) procedural rule-making as a function of the independent needs of each agency as opposed to standardized rules for all the agencies, and, (4) most recently, random selection of the court in which to decide an issue where petitions have been filed in several courts, thus avoiding the "rush to the courthouse" of the original "first to file" forum determination.

Help Wanted

One current first- or second-year student is needed to work on an active litigation matter this summer, twenty hours per week for graded credit. This is an excellent opportunity for getting litigation experience with direct involvement in drafting interrogatories, depositions, appellate briefing, preparation of motions and investigation in Federal and D.C. court cases being handled by the Consumer H-E-L-P Clinics. Contact David Medine (676-4879) by April 18, to apply for the position.

"I'd rather be at Chadwicks."



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Trustee Committee

from page 1

of a special trustee committee. As committee chairman, he stressed that all of the committee members are under a duty to study the issues throughly, giving fair consideration to new data which the committee has requested or with which it may be provided.

According to Baker, two points should be noted by the NLC community with respect to the committee's activities. First, the committee is taking this study very seriously, and second, it will not conduct its inquiry under the control of any pre-conceived notions.

"We want to maximize the quality of education at the GWU law school, but at the same time the law school has to be run like a business. We do, however, bear in mind all the while that the university and the law school are affected by public interests and have a role to play in the community and the city," said Baker.

A resolution from the Academic Affairs Committee of the Board of Trustees is serving to guide the committee in its study of the issues surrounding the proposal. It calls for the presentation of a factually balanced report to the Board of Trustees which will include qualifications and academic performance data of students admitted to the day and evening divisions, as well as a discussion of the potential impact of phasing out the evening division on (1) fundraising for the NLC and for GWU in general, (2) enrollments in light of demographic trends and tuition costs for the next 10 years, (3) financial planning for the NLC, (4) summer programs, (5) placement services. The resolution also asks whether it would be feasible to enlarge the day division and whether there are alternatives available which would improve the quality of education at the NLC without phasing out the evening division J.D. program.

While no student representatives are serving on this committee, Baker said the members will address information from anyone who is concerned about the proposal. Kenneth Woolcott, vice president of the Student Bar Association (SBA) and an evening division student, suggested that the SBA be allowed to appoint two law student representatives to serve on the committee. Wilkinson said the motion directing the board to appoint a committee had been interpreted by all with whom he had discussed the matter as suggesting only trustee participation.

If the committee prepares a written report of its findings and conclusions it could be circulated in the NLC community,a according to Baker. "It should be scrutinized. We are concerned with fairness — we want to do this expeditiously but also properly. It will be a non-secretive approach," he said.

Wilkinson hopes the committee will have finished its inquiry by mid-May at which time the trustees wiil consider the committee's findings. The level of debate among the trustees about the committee's study will indicate how soon the NLC can expect the second vote on the evening division J.D. program.

Alum Opposition

from page 1

Judge Oliver Gasch and James Kutcher, president of the Capitol Hill chapter of the Law Association sent University President Lloyd Elliott a formal request for the mailing list. Elliot responded, saying that he did not have authority to grant the request since the university's trustees were currently studying the proposal. Woolcott said they are pursuing the matter with the trustees.

The opposition has also requested student and alumni representation on the committee set up by the university's Board of Trustees to study the proposal. Glen Wilkinson, chair of the committee, termed those requests "quite impossible." He said in a letter to Woolcott that the discussion preceeding the trustee's vote to table the proposal indicated that the Board "looked forward to a report from the committee including members of the Board." This, he said, meant trustees only were to serve on the committee.

Soon after the trustee's vote to table the proposal, Judge Lawrence Margolis and Ken Woolcott drafted a letter to send to current evening applicants, urging them to choose to attend the NLC's night school in spite of the present controversy.

The letter stated in part, "Regardless of the ultimate decision on the future of the Evening Division program, we sincerely believe that the legal educational opportunity afforded by the George Washington University is outstanding, and we urge you to accept the law school's offer of admission."

Woolcott said he feared many of the qualified evening students would be scared away from the evening division because of the present controversy. They submitted the letter to Dean Barron for approval. The letter was rejected. In its place a letter was sent by Assistant Dean Robert Stanek. (That is reproduced on page 6). page 6).

Woolcott said he has also been trying to get Elliott to clarify his position on two faculty slots that have reportedly been promised to the law school if the evening division is eliminated. Woolcott said that Elliott denied that such an arrangement had even been made. Woolcott said that Elliott told him that such an offer would be inconsistent with the budget protocol of the university. The offer of two additional faculty slots by the university if the evening division were eliminated first emerged in a report from Prof. Peter Raven-Hansen to the law school faculty in February. Raven-Hansen said later that Dean Barron had told him of the conditional offer.

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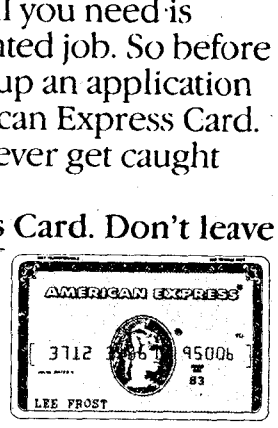

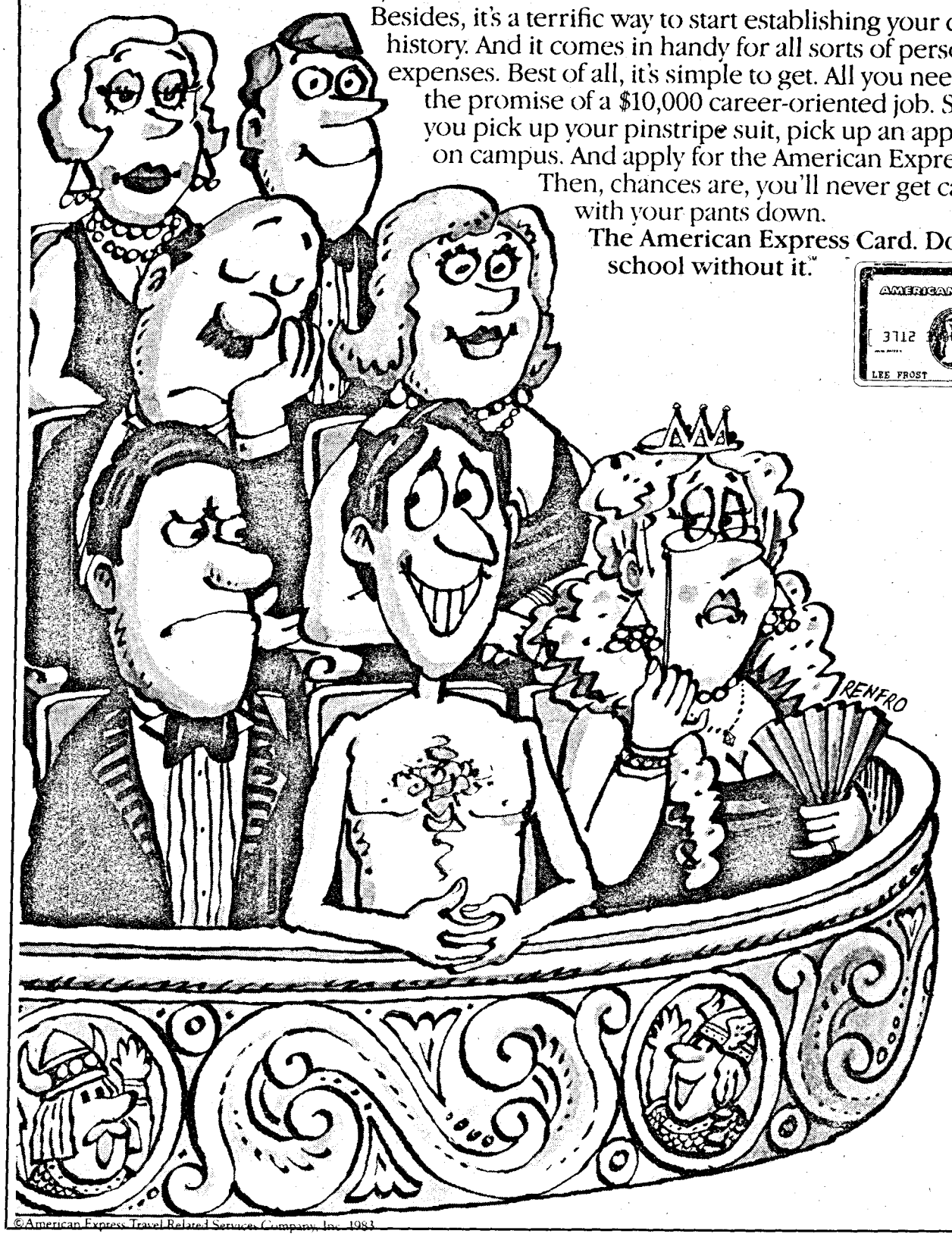

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Banzhaf and Meyers Set Meese Trap

by Michael Goldsmith

"There he goes again," said a calm and confident Ronald Reagan to a befuddled President Carter in their 1980 debate. Perhaps Reagan was a bit too calm and confident. Perhaps a little birdy told him something about Carter's debate briefs. Maybe it was a mole. Or maybe it was a Meese.

Whatever type of animal it was, George Washington University law professors John F. Banzhaf and Peter Meyers intend to insure that the trap for such critters, the Ethics in Government Act, keeps its teeth. The two, veterans of legal activism, whose legal actions probably helped force the appointment of the "independent counsel" to investigate Meese's finances and Debategate involvement, returned to the U.S. District Court to file a motion for summary judgment with Judge Harold Greene for the appointment of another special prosecutor to corral those other mangy varmints: Stockman, Casey, and Baker.

The Ethics in Government Act was created to avoid the administration investigating itself into another Saturday Night Massacre, as occurred during the Nixon administration. The way the act works is first the Attorney General receives "specific and credible" information of criminal activity. "Specific," says Banzhaf, "indicates a person, event, and a time. Credible means that the source is not a known perjuror or lunatic."

The Attorney General then conducts a preliminary investigation. There is a low threshold to such an investigation. If it is determined that the information is not frivolous or groundless, the Attorney General must apply to the Court of Appeals to appoint an "independent counsel," who can only be fired in extraordinary circumstances.

The independent counsel, up until recently, had been used only three times, including an investigation of Hamilton Jordan and Labor Secretary Donavan's alleged payoffs and mob connections. Nothing was uncovered incriminating the subjects of those inquiries.

Last summer, Banzhaf and Meyers saw parallels between Debategate and Watergate, and wanted to see the Ethics in Government Act enforced. It was also felt to be a good project for Banzhaf's upcoming spring Legal Activism class. After an eight month investigation, the Justice Department issued a three-page report concluding that there was "no specific, credible information of a federal crime having been committed." It was then that Banzhaf and Meyers decided to sue Attorney General William French Smith.

The Justice Department moved to dismiss the complaint on three grounds. First, that the plaintiffs had no standing. "Obviously they never heard of SCRAP," said Banzhaf, referring to *U.S. v. SCRAP*. The other two grounds pleaded for dismissal were that the Attorney General was not subject to review, and that there was no demonstration of specific and credible information.

Banzhaf recalled that "Judge Harold Greene was not impressed with the government's oral arguments." Greene issued a scathing opinion tearing into Justice's conclusion that Banzhaf and Meyers failed to produce information that was specific and credible. Greene then reminded them of the purpose of the Ethics in Government Act, which is "to provide some check on the attorney general, who is a political appointee of the president, and who, as a member of an elected administration, is placed in a difficult situation when called to investigate allegations against administration officials." Greene denied the motion and the case proceeded.

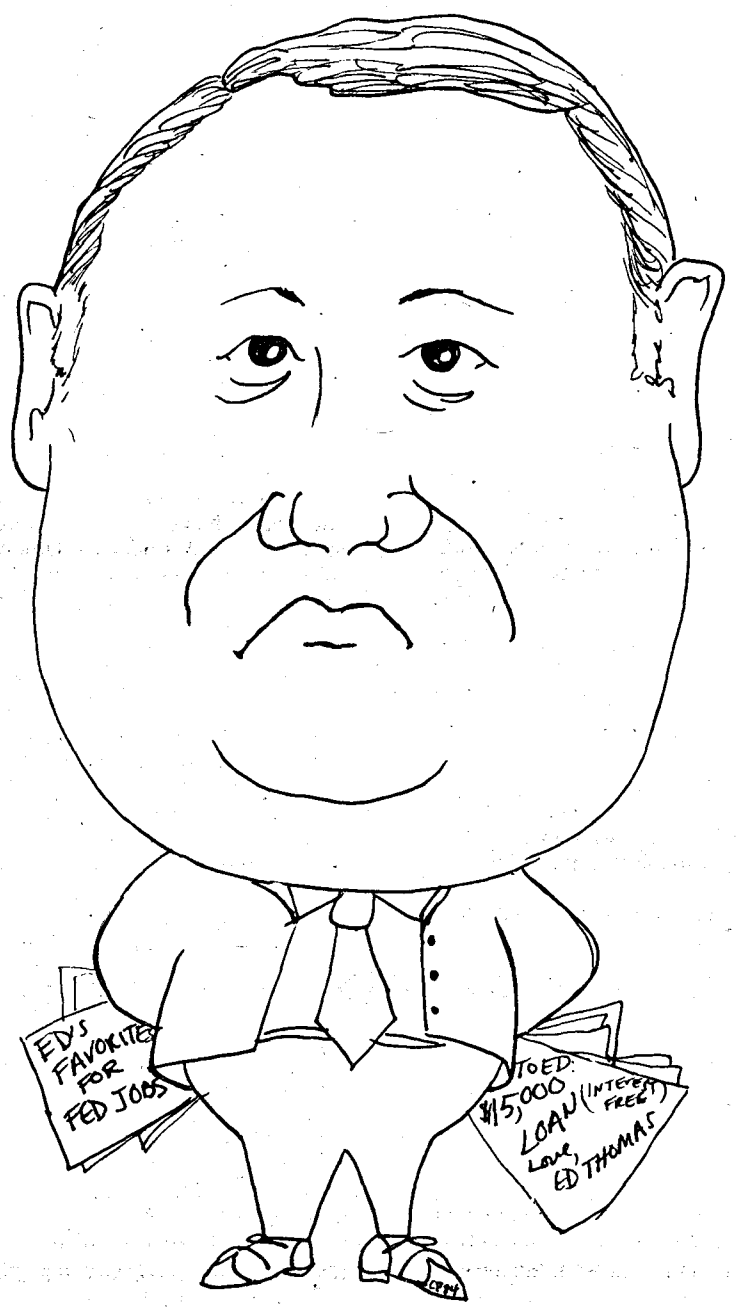
It was a surprise to everyone that Smith would decide to step down from his post and Reagan would nominate Meese. According to Banzhaf, Meese up until then had been a bit player in Debategate, until embarrassing items turned up to the Senate Judiciary Committee through the investigation of Sen. Howard M. Metzenbaum (D-Ohio) who had joined Rep. Donald Albosta (D-Michigan) as one of Meese's chief critics. It would seem that half a dozen individuals who loaned substantial sums of money to Meese are now appointed to various government posts. Also, handwritten memos referring to Meese and a "bagman" have a habit of appearing and disappearing.

Smith finally appointed Jacob Stein, also on the GW faculty, to investigate Meese's financial transactions and his involvement with the Carter briefing books. On March 29 Banzhaf and Meyers decided to move for relief to Judge Greene, and file for summary judgment. Greene's decision is expected this month. Banzhaf and Meyers seek to have the special prosecutor look at the other administration officials implicated in the scandal.

Banzhaf denied that he and Meyers were involved in partisan politics during an election year. "On its merits, this case could take years," said Banzhaf. While Meyers is a Democrat, Banzhaf has no party affiliation and claims that they are essentially apolitical. Their primary motivation, according to Banzhaf, "may sound corny, but we're sick and tired of clear conflicts of interests in investigations. It undermines the system and lowers the morale at the Justice Department. This shows that an individual citizen can do something," Banzhaf said, "and also demonstrates the proper role of a lawyer. We did the same amount of research as if writing a law review article about the possible effects of such litigation on the courts, and we went out and applied it." Banzhaf also claimed a great interest in protecting the ethics in government act, which he said would have been emasculated if Smith were allowed to conduct his own investigation.

Meyers picked up on this theme. "If the attorney general defines how the law is to be applied, then he can get away with a three page report. There was no one else to protect the law which we fought for," he continued, "in this whole town, we were the only two willing." "It's a simple law suit," said Banzhaf. "We have high leverage, not having to prove Meese's guilt, but only show specific and credible information. It's a tribute to our system that two guys, working on weekends could conduct an independent investigation and have input through the courts."

As Ronald Reagan would say, "There he goes again..."



WHAT ELSE IS "BEHIND" EDWIN MEESE?

PAD's Activities from page 6

practicing attorney(s) on trial strategies and the nuts and bolts of trial practice. A criminal question was discussed in the fall, and the spring version addresses a civil issue. This spring, Thomas A. Farrington, Esq., a personal injury and medical malpractice expert, will discuss "The Art of Advocacy in a Civil Case." All students and faculty are invited, and a reception will follow the presentation.

On Saturday, April 14, the Annual Spring Awards Banquet will be held at the Marvin Student Center, rooms 410 and 415. Awards honoring active members and alumni will be given, and new PAD officers will be inducted. All members, faculty, and interested students are welcome. Signup sheets are located around school and in the PAD office, room B-05 Stuart Hall.

A very special event is scheduled for Wednesday, April 19. The first Washington area Phi Alpha Delta Pre-Law Chapters from George Washington University and Catholic University will be installed in an evening ceremony on Capitol Hill. Former PAD International Justice Frank J. McCown will be in attendance. Mr. McCown currently serves as Director of PAD's national Pre-Law program, which over the last four years has exploded, with the 35th chapter expected to be installed this year. Since its inception in 1980, the Pre-Law program has already helped hundreds of pre-law students make an "informed choice" about law school.

PAD will end the semester with a "Conquering Finals" session for first year members. The event will be held on Tuesday, April 24. Second and third year students will discuss exam strategies for the spring professor's exams and answer questions.

Although the school year will officially end in May, PAD will continue its Washington, D.C. area activities through the Summer. Highlighting the summer will be PAD Day at the Supreme Court, the Alumni Dinner-Dance, and the biennial PAD convention in Miami Beach, Florida. At the last convention, the NLC's John Jay Chapter was named the 3rd best chapter in the country, based on its record of outstanding professional programs. Justice Martha McQuade was a runner-up for most outstanding Justice.

Health Care Law Forum

The Health Care Law Forum of the D.C. Woman's Bar Association will meet on April 23 from 6:30 to 8:00 p.m. Barbara Werthmann, co-chair of the Forum, will discuss her new book, *Medical Malpractice Law: How Medicine is Changing the Law*. Topics will include DES litigation, hospital corporate liability, the right to refuse treatment, and dangerousness and the physician's duty to warn or control. The meeting will be held at the offices of Pierson, Ball & Dowd, 1200 18th St. N.W. Suite 1000. For further information, contact Elizabeth Carder, 331-8566.

GWU Owns Foggy Bottom

by Jim Locher
and Mike Goldsmith

In a series of May 1980 *Washington Post* articles about George Washington's property holdings, Foggy Bottom residents complained that GW appeared to be more of a real estate company than an educational institution, and that in its zeal to acquire local property GW was wiping out the character of the nieghborhood.

GW officials have been candid in stating that the university desires to acquire as much property as possible within its boundaries, which encompass 19 city blocks. They state lacking a substantial endowment, property holdings act as a substitute. For comparison, the university's present endowment is $21 million while in 1980 Harvard held $1.4 billion and other schools held in the hundreds of millions. Combined with property holdings the university "endowment" is about $115 million. In the past year the endowment and property brought in $3.6 million (50 percent from the property holdings) all of which was put in a general university kitty, in which the NLC shares.

The acquisition of property by GW has not been random; rather in 1970 a "master plan" was conceived to guide development.

The University placed as goals: setting identifiable bounds; to gain additional sources of revenue and to improve University facilities — acquiring already built buildings and constructing new ones. As part of the university, the NLC shares in these revenues and use of improved facilities.

Accomplishment of the plan, which is still in progress, has not been without controversy. As stated, local residents and businesses have complained of insensitivity in GW's policies. Others have complained that the university has not adequately planned for changes in traffic patterns and other effects of development. And some insist the university should never have changed the neighborhood in the first place.

In the May 1980 *Post* article, university President Lloyd Elliot indicated that not all interests could be satisfied by GW's actions, and that although the university's actions might appear heartless to some, the university must plan for its future and actions that have been taken have been in the school's best interests.

GWU Land Holdings from page 1

finance his zoning battle, Margolis finally won out, and his restaurant is still on 2145 G St. NW.

It was predicted that relations with the locals would improve with the Red Lion Row project, involving the preservation of 13 Victorian townhouses in the 200 block of I St. N.W The university hired a marketing consulting firm to find out what businesses the community would like to see housed in the new development. The project which was proposed by Diehl apparently has been responded to affirmatively by the community, but Diehl complains of a general feeling that GW "was forced to do it." "Nobody wants to give the university credit," Diehl said.

Local relations," said Diehl, "are strained, but that is natural in a residential area when about 25,000 people come here daily to study or for health care. GW is also the second largest employer in the District, only behind the federal government." In actuality, said Diehl, "GW is a buffer from the commercial zone across the street, which is 6½ FAR (floor area ratio) as opposed to GW's 3½ FAR. This means GW has a much lower density of building per square foot of peoperty." The area has been revitalized in recent years, and "the university has played a major role," said Diehl. "In the past there was a gas storage area (which is now the Watergate), and a local brewery in the area," said Diehl. According to the Fox-Fern article, in the 1950's Foggy Bottom was a predominately low-income residential area with enough deteriorating housing to attract government attention.

"The ultimate goal of GW's real estate is to provide for the needs of the university," according to Diehl. "We've been around since 1821, and we're trying to make sure we'll be around in 2021 and 2121..."

Crime from page 4

lived in Green Bay, about 100 miles north of Milwaukee, so they were somehwat insulated from it all. He was glad of that.

He said he thought his attorney was going to try to get the charges dismissed. Rob just wanted it over.

Several months passed. Early in March, I received a call from home. Rob's case had gone to trial. He was acquitted of all charges. The judge, who acted as factfinder, noted in her decision that the victims were unable to make a positive identification from the photo lineup originally done by the police. Since he was the only one from the photo lineup to appear later in the police lineup, the judge said that later identification could have been influenced by the photo lineup.

The judge also noted that examination of Rob the day after the assault revealed no bruises or other signs of involvement in a physical struggle.

Our justice system is far from perfect. At times it's damn brutal. Mere accusation begets punishment. We as future lawyers and current citizens should understand this.

The story that ran that evening in the local paper began, "_____reacted with jubilation Thursday to his acquittal in the assault of a 19-year-old woman and the stabbing of two men who ran to her aid." The ordeal had cost him six months of his life, a great deal of personal embarassment and loss, and $8,600 in legal fees. There will always be some people who will tell him that he just beat the rap. This incident will remain with him for the rest of his life. He had gotten a taste of what criminal justice was all about. And he won?

Belva from page two

women are still systematically paid 20 percent less than men for jobs of comparable worth.

The message the panelists gave was penetrating: if women law students want an equal opportunity to pursue their careers, if they want equal treatment under the laws, if they want feasible alternatives to the present professional women's dilemma of having to choose between a career and a family, then these women are going to have to work to achieve these goals. The ground work has been laid, the road remains open. The only way to accomplish positive changes, is for women to stand up and be counted where it counts, in the law making institutions of this country.

Where are the Books?

by Jim Lochner

All John X. Jones wanted to do was write his required upper-year paper due in April, so in May he could graduate, pass the bar in June and start work in August. To finish the paper he needed *Moon Children—The Kids of Cultists*, and he coule not find it. He had sworn after his first year he would never leave a paper to the last minute, so he renewed his search to find the book.

Starting at the card catalogue his search went well, after momentary confusion over the difference between Sub-Levels and Lower-Levels, until he reached the shelf where the book should have been located. Looking left and right, he found nothing. The shelf was completely empty.

Marching back to the third floor John was determined to straighten the mess out, but was informed one of several possibilities might exist. The book might be in storage, not actually be owned by the library, be charged out to a faculty member or have been "liberated" from the library to the freedom of someone's home collection.

Unemotional, John demanded that all possibilities be investigated. He wanted storage checked, an inter-library loan request, a questioning of faculty, and instructions to doorguards to shoot on suspicion.

Waiting a few days John found that his book and others on the subject had been checked out to a faculty member for use in research. Like many law schools, the National Law Center allows its faculty wide access to its collection, with charging privileges that differ from those permitted students. In essence, for use in conjunction with classes, or for their research, professors can sign out books without due dates. However, the library strongly requests that should an individual, such as John, place a request for a faculty-charged book, that the faculty member turn over the book, (with the understanding that the book will be returned to the faculty member when the student is done). These procedures might change once the library renovation is complete and attention can turn from the day to day problems it causes. As of yet, however, no action has been taken to amend the policy.

Some might claim that faculty charging privileges should not be superior to those of students. But, considering the need for use of books for classes and in writing articles and texts, and that it is not harder to get books from faculty than from inter-library loan, it seems such privileges are not unduly unfair.

When John got his book he did not care whether or not it was fair that his book had been signed out a few months (or a few years, for that matter). He had it now; he would finish his paper and graduate on time. Elated by the thought, he cancelled his storage retrieval and inter-library loan requests and agreed it might be best that guards only shoot upon probable cause.

Wagner Cup

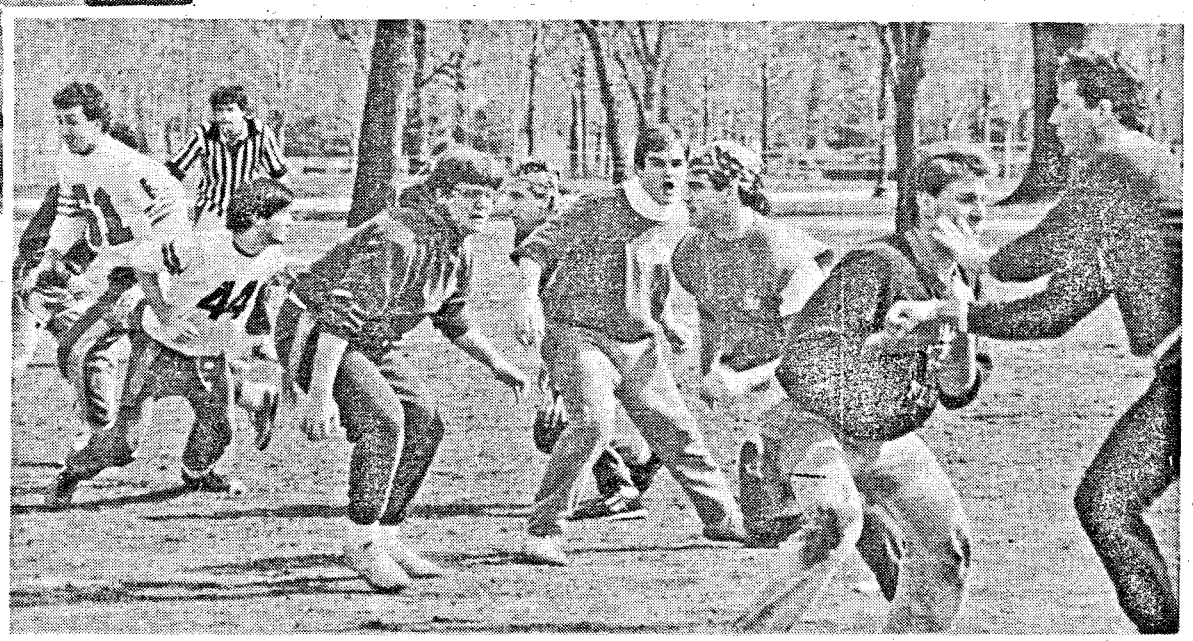
Representatives of the National Law Center made it to the quarterfinals in the national Wagner Cup Moot Court Competition held recently at New York Law School.

Kim Lonnergan, Sid Rocke and Phil Roberts ranked sixth out of 54 teams in the labor law competition.

Catherine Plambeck, Janice Radler, Lynette Perlman and Nancy Platkin put on their game face in preparation for a recent match.

Lubitz Longballer's second baseman Janice looks in vain for some action in the infield.

The Washerwomen captured the law division intramural basketball championship. They are: front row - Matt McGrath, John Hockenburg, Bill Fogarty; back row- Hank Terhune, Matt Finberg, Bill Shook, Tom Johnston. Not pictured - Jeff Crossland.



The Law School Football Tournament could only manage to play the opening round before spring break. SBA subsequently postponed its completion due to good weather.